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Attorneys for Plaintiff UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JING SHAN ZHOU,

Defendant.

No.: CR 3-05-70522

STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME FOR
PRELIMINARY EXAMINATION
AND EXCLUDING TIME FROM
SPEEDY TRIAL CALCULATION

With the agreement of the parties, the Court enters this Order vacating the preliminary hearing on August 2, 2005, setting a new preliminary hearing on August 18, 2005, documenting Defendant's waiver of the preliminary hearing date until August 18, 2005 under Federal Rule of Criminal Procedure 5.1, and excluding the time period from August 2, 2005 through August 18, 2005 under the Speedy Trial Act, 18 U.S.C. § 3161.

The parties agree, and the Court finds and holds, as follows:

1. The Court has set a preliminary hearing for August 2, 2005 at 9:30 a.m.

Undersigned defense counsel practices in Southern California and requires additional time to obtain and review discovery and to meet and confer with the Defendant about how he wishes to proceed in this matter, in light of discussions with Government counsel. Defense counsel has

1 had a minimal opportunity to meet with the Defendant since being retained and plans to travel to
 2 the Bay Area for the purpose of meeting with the Defendant on August 2, 2005.

3 2. Given the foregoing facts, the parties request and agree that there is good cause
 4 for the preliminary hearing to be reset for August 18, 2005, at 9:30 a.m. The parties stipulate that
 5 the time limit for the filing of an information or indictment shall be extended under 18 U.S.C.
 6 § 3161(b). The parties further stipulate that the time period from August 2, 2005 through
 7 August 18, 2005 shall be excluded from the Speedy Trial Act calculation pursuant to 18 U.S.C.
 8 § 3161(h)(8)(A) and (B)(iv).

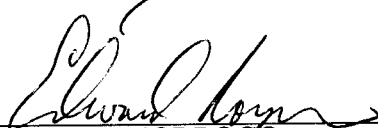
9 3. Given defense counsel's desire for additional time to meet and confer with the
 10 Defendant, the failure to grant the requested continuance would unreasonably deny the Defendant
 11 effective preparation of counsel taking into account the exercise of due diligence. See 18 U.S.C.
 12 § 3161(h)(8)(B)(iv). In addition, the ends of justice would be served by the Court excluding the
 13 proposed time period; these ends outweigh the best interest of the public and the Defendant in a
 14 speedy trial. See id. § 3161(h)(8)(A), (B)(iv).

15 SO STIPULATED.

16
 17 DATED: _____

18 ROBERT HARTMANN
 Attorney for Defendant Jinh Shan Zhou

19
 20 DATED: 7/25/05 _____

21 
 EDWARD TORPOCO
 Assistant United States Attorney

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1 had a minimal opportunity to meet with the Defendant since being retained and plans to travel to
2 the Bay Area for the purpose of meeting with the Defendant on August 2, 2005.

3 2. Given the foregoing facts, the parties request and agree that there is good cause
4 for the preliminary hearing to be reset for August 18, 2005, at 9:30 a.m. The parties stipulate that
5 the time limit for the filing of an information or indictment shall be extended under 18 U.S.C.
6 § 3161(b). The parties further stipulate that the time period from August 2, 2005 through
7 August 18, 2005 shall be excluded from the Speedy Trial Act calculation pursuant to 18 U.S.C.
8 § 3161(h)(8)(A) and (B)(iv).

9 3. Given defense counsel's desire for additional time to meet and confer with the
10 Defendant, the failure to grant the requested continuance would unreasonably deny the Defendant
11 effective preparation of counsel taking into account the exercise of due diligence. See 18 U.S.C.
12 § 3161(h)(8)(B)(iv). In addition, the ends of justice would be served by the Court excluding the
13 proposed time period; these ends outweigh the best interest of the public and the Defendant in a
14 speedy trial. See *id.* § 3161(h)(8)(A), (B)(iv).

15 SO STIPULATED.

16
17 DATED: 7/25/05


18 ROBERT HARTMANN
19 Attorney for Defendant Jiah Shan Zhou

20
21 DATED: 7/25/05


22 EDWARD TORPOCO
23 Assistant United States Attorney
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28 STIPULATION AND ORDER
CR 3-05-70522

1 In light of the foregoing facts, and with the consent of the parties, the Court hereby (1)
2 vacates the preliminary hearing on August 2, 2005, (2) sets a new preliminary hearing date of
3 August 18, 2005, at 9:30 a.m., (3) finds that the Defendant has waived a preliminary hearing until
4 August 18, 2005 under Federal Rule of Criminal Procedure 5.1, and (4) orders that the period
5 from August 2, 2005 through August 18, 2005 be excluded from the Speedy Trial Act calculation
6 under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).
7

8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 DATED: 7/26/05


HON. EDWARD M. CHEN
United States Magistrate Judge